

**Service of Process  
Transmittal**

02/01/2022

CT Log Number 540992853

**TO:** KIM LUNDY- EMAIL  
Walmart Inc.  
GLOBAL GOVERNANCE/CENTRAL INTAKE, 2914 SE I STREET MS#0200  
BENTONVILLE, AR 72712-3148

**RE: Process Served in Iowa**

**FOR:** Sam's Real Estate Business Trust (Assumed Name) (Domestic State: DE)  
WALMART INC. (True Name)

**ENCLOSED ARE COPIES OF LEGAL PROCESS RECEIVED BY THE STATUTORY AGENT OF THE ABOVE COMPANY AS FOLLOWS:**

**TITLE OF ACTION:** Re: ASHCROFT PAULA and RICK ASHCROFT // To: WALMART INC.

**DOCUMENT(S) SERVED:** Notice(s), Attachment(s), Petition and Demand

**COURT/AGENCY:** Woodbury County District Court, IA  
Case # LACV201235

**NATURE OF ACTION:** Personal Injury - Failure to Maintain Premises in a Safe Condition - 02/10/2020, At 4201 S York Street, Sioux City, IA, a/k/a Woodbury Parcel ID 884813476005

**ON WHOM PROCESS WAS SERVED:** C T Corporation System, Des Moines, IA

**DATE AND HOUR OF SERVICE:** By Process Server on 02/01/2022 at 10:35

**JURISDICTION SERVED :** Iowa

**APPEARANCE OR ANSWER DUE:** Within 20 days after service

**ATTORNEY(S) / SENDER(S):** Scott A. Hindman  
Mayne, Hindman, Frey, Parry & Wingert  
701 Pierce Street, Suite 300  
P.O. Box 1678  
Sioux City, IA 51102  
712-277-1434

**REMARKS:** The documents received have been modified to reflect the name of the entity being served.

**ACTION ITEMS:** CT has retained the current log, Retain Date: 02/03/2022, Expected Purge Date: 02/08/2022  
Image SOP

**REGISTERED AGENT ADDRESS:** C T Corporation System  
400 East Court Avenue  
Des Moines, IA 50309  
877-564-7529  
MajorAccountTeam2@wolterskluwer.com

The information contained in this Transmittal is provided by CT for quick reference only. It does not constitute a legal opinion, and should not otherwise be relied on, as to the nature of action, the amount of damages, the answer date, or any other information contained in the included documents. The recipient(s) of this form is responsible for reviewing and interpreting the included documents and taking appropriate action, including consulting with its legal and other

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advisors as necessary. CT disclaims all liability for the information contained in this form, including for any omissions or inaccuracies that may be contained therein.



# THE IOWA DISTRICT COURT FOR WOODBURY COUNTY

PAULA ASHCROFT and RICK  
ASHCROFT,

Plaintiffs

vs.

WALMART, INC. d/b/a SAM'S CLUB and  
d/b/a SAM'S WHOLESALE CLUB AND  
SAM'S REAL ESTATE BUSINESS  
TRUST.

Defendants.

CASE NO. \_\_\_\_\_

## ORIGINAL NOTICE

### TO THE ABOVE-NAMED DEFENDANTS:

You are notified that a petition has been filed in the office of the clerk of this court naming you as the defendants in this action. A copy of the petition (and any documents filed with it) is attached to this notice. The name and address of the attorney for the plaintiffs is Scott A. Hindman, 701 Pierce Street # 300 PO Box 1678, Sioux City, Iowa 51101. The attorney's phone number is 712-277-1434; facsimile number is 712-255-8049.

You are further notified that the above case has been filed in a county that utilizes electronic filing. Unless, within 20 days after service of this original notice upon you, you serve, and within a reasonable time thereafter file a motion or answer, in the Iowa District Court for Woodbury County, at the courthouse in Sioux City, Iowa, judgment by default will be rendered against you for the relief demanded in the petition. Please see Iowa Court Rules Chapter 16 for information on electronic filing and Iowa Court Rules Chapter 16, division VI regarding the protection of personal information in court filings.

If you require the assistance of auxiliary aids or services to participate in court because of a disability, immediately call your district ADA coordinator at (712) 279-6035. (If you are hearing impaired, call Relay Iowa TTY at 1-800-735-2942)

### IMPORTANT:

YOU ARE ADVISED TO SEEK LEGAL ADVICE AT ONCE TO PROTECT YOUR  
INTERESTS

**Iowa Judicial Branch**

Case No. **LACV201235**  
County **Woodbury**

Case Title **ASHCROFT, PAULA & RICK V WALMART D/B/A SAMS CLUB**

You must file your Appearance and Answer on the Iowa Judicial Branch eFile System, unless the attached Petition and Original Notice contains a hearing date for your appearance, or unless the court has excused you from filing electronically (see Iowa Court Rule 16.302).

Register for the eFile System at [www.iowacourts.state.ia.us/Efile](http://www.iowacourts.state.ia.us/Efile) to file and view documents in your case and to receive notices from the court.

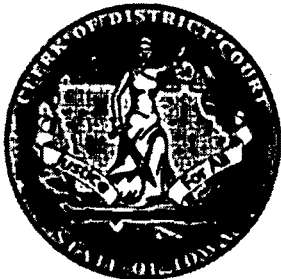
For general rules and information on electronic filing, refer to the Iowa Rules of Electronic Procedure in chapter 16 of the Iowa Court Rules at [www.legis.iowa.gov/docs/ACO/CourtRulesChapter/16.pdf](http://www.legis.iowa.gov/docs/ACO/CourtRulesChapter/16.pdf).

Court filings are public documents and may contain personal information that should always be kept confidential. For the rules on protecting personal information, refer to Division VI of chapter 16 of the Iowa Court Rules and to the Iowa Judicial Branch website at [www.iowacourts.gov/for-the-public/representing-yourself/protect-personal-information/](http://www.iowacourts.gov/for-the-public/representing-yourself/protect-personal-information/).

Scheduled Hearing:

If you need assistance to participate in court due to a disability, call the disability access coordinator at **(712) 279-6035**. Persons who are hearing or speech impaired may call Relay Iowa TTY (1-800-735-2942). For more information, see [www.iowacourts.gov/for-the-public/ada/](http://www.iowacourts.gov/for-the-public/ada/). **Disability access coordinators cannot provide legal advice.**

Date Issued **01/31/2022 09:41:19 AM**



District Clerk of Court or/by Clerk's Designee of Woodbury County  
/s/ Michele Schnoes

IN THE IOWA DISTRICT COURT FOR WOODBURY COUNTY

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PAULA ASHCROFT and  
RICK ASHCROFT,  
Plaintiffs,

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LACV \_\_\_\_\_

vs.

**PETITION AND JURY DEMAND**

WALMART, INC d/b/a SAM'S CLUB  
and d/b/a SAM'S WHOLESALE CLUB,  
SAM'S REAL ESTATE BUSINESS  
TRUST,  
Defendants.

\*\*\*\*\*

COME NOW the Plaintiffs, Paula Ashcroft (hereinafter "Paula") and Rick Ashcroft (hereinafter "Rick") and, for their claim against Defendant Walmart, Inc. d/b/a Sam's Club and d/b/a Sam's Wholesale Club (hereinafter collectively "Sam's Club"), state:

1. Paula and Rick are residents of Sioux City, Woodbury County, Iowa.
2. Sam's Club is a corporation registered with, and authorized by, the Iowa Secretary of State to do business in the State of Iowa.
3. On February 10, 2020 (hereinafter "Time of Incident"), Sam's Club owned, and operated, a retail store located at 4201 S York Street, Sioux City, Woodbury County, Iowa, a/k/a Woodbury Parcel ID 884813476005 (hereinafter "Place of Incident").
4. At the Time of Incident, Paula was a business invitee of Sam's Club at the Place of Incident.
5. At the Time and Place of Incident, Paula had just entered the store when the cart boys, who were operating the motorized cart pusher with approximately 30-35 carts on it directly into her.
6. At the time and Place of Incident, Sam's Club breached its duty to maintain a safe premises for its business invitees by (a) failing to supervise its employees/cart boys; (b) failing to

discover a dangerous situation; (c) failing to warn its business invites of unmarked and/or unattended hazards in common ways and/or (d) in otherwise failing to exercise reasonable care to protect its business invitees against the danger presented by unsupervised and out of control employees/cart boys.

6. As a proximate result of Sam's Club's negligence in creating, failing to cure, and/or failing to warn business invitees of this dangerous condition/situation, and/or otherwise failing to exercise reasonable care to protect its business invitees, Paula sustained damages, including past and future physical and mental pain and suffering, past and future medical expenses, past and future loss of function of her body, lost wages, and loss of future earning capacity.

7. As a proximate result of Sam's Club's negligence in creating, failing to cure, and/or failing to warn business invites of this dangerous condition/situation, and/or otherwise failing to exercise reasonable care to protect its business invitees, Rick has been deprived of his wife's services, aid, comfort, society, companionship and conjugal affections within their home, all to his damage.

8. The amount in controversy in this action is in excess of the jurisdictional amounts set forth in Iowa Code §§631.1 (2021) and 602.6306 (2021).

MAYNE, HINDMAN, FREY, PARRY & WINGERT

By: /s/Scott A. Hindman  
Scott A. Hindman, P.C. #AT0003518  
701 Pierce Street, Suite 300  
P.O. Box 1678  
Sioux City, Iowa 51102-1678  
Telephone: (712) 252-2424  
Facsimile: (712) 255-8049  
E-mail: shindman@maynelaw.com  
ATTORNEYS FOR PLAINTIFFS

JURY DEMAND

COME NOW the Plaintiffs and demand trial by jury of all issues so triable.

MAYNE, HINDMAN, FREY, PARRY & WINGERT

By: /s/ Scott A. Hindman  
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